

BEFORE THE
BOARD FOR PROFESSIONAL ENGINEERS, LAND SURVEYORS, AND GEOLOGISTS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:

RAMAN KANUBHI PATEL
3383 Chamberlain Court
Walnut Creek, CA 94598

Civil Engineer License No. C 25997,

Respondent.

Case No. 941-A

DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers, Land Surveyors, and Geologists as its Decision in the above-entitled matter.

This Decision shall become effective on March 4, 2011.

IT IS SO ORDERED January 28, 2011.

Original Signed

BOARD FOR PROFESSIONAL ENGINEERS,
LAND SURVEYORS, AND GEOLOGISTS
Department of Consumer Affairs
State of California

JHN-10-2011(MON) 17:07

P. 003/010

Rx Date/Time

JHN-03-2011(MON) 14:39

01/03/2011 11:51

SEVERSON

P. 002

PAGE 02/09

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOR
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 Attorneys for Complainant

8 **BEFORE THE**
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 941-A

12 **RAMAN KANUBHI PATEL**
13 **3383 Chamberlain Court**
14 **Walnut Creek, CA 94598**
15 **Civil Engineer License No. C 25997**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 Respondent.

16
17 **IT IS HEREBY STIPULATED AND AGREED** by and between the parties to the above-
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Joanne Arnold ("Complainant") is the Acting Executive Officer of the Board for
21 Professional Engineers and Land Surveyors ("Board"), Department of Consumer Affairs. She
22 brought this action solely in her official capacity and is represented in this matter by Edmund G.
23 Brown Jr., Attorney General of the State of California, and by Nicholas Tsukamaki, Deputy
24 Attorney General.

25 2. Respondent Raman Kanubhi Patel ("Respondent") is represented in this proceeding
26 by attorney J. Andrew Lawson, whose address is: J. Andrew Lawson, Severson & Werson, One
27 Embarcadero Center, 26th Floor, San Francisco, CA 94111.

28 3. On or about November 12, 1975, the Board issued Civil Engineer License No.

STIPULATED SETTLEMENT (941-A)

JRN-10-2011(MON) 17:07

P. 004/010

Rx Date/Time JRN-03-2011(MON) 14:39

P. 003

01/03/2011 11:51

SEVERSON

PAGE 03/09

1 C 25997 to Respondent. The Civil Engineer License will expire on March 31, 2012, unless
2 renewed.

3 JURISDICTION

4 4. Accusation No. 941-A was filed before the Board and is currently pending against
5 Respondent. The Accusation and all other statutorily required documents were properly served
6 on Respondent on August 12, 2010. Respondent timely filed his Notice of Defense contesting the
7 Accusation. A copy of Accusation No. 941-A is attached as exhibit A and incorporated herein by
8 reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and understands the
11 charges and allegations in Accusation No. 941-A. Respondent has also carefully read, fully
12 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
13 Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the right to a
15 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
16 his own expense; the right to confront and cross-examine the witnesses against him; the right to
17 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
18 the attendance of witnesses and the production of documents; the right to reconsideration and
19 court review of an adverse decision; and all other rights accorded by the California
20 Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
22 every right set forth above.

23 CULPABILITY

24 8. Respondent denies the charges and allegations in Accusation No. 941-A, but
25 understands and agrees that those charges and allegations, if proven at a hearing, constitute cause
26 for imposing discipline upon his Civil Engineer License.

27 9. For the purpose of resolving the Accusation without the expense and uncertainty of
28 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual

JAN-10-2011(MON) 17:07

Rx Date/Time JAN-03-2011(MON) 14:39

P. 005/010

P. 004

PAGE 04/09

SEVERSON

1 basis for the charges in the Accusation, and Respondent hereby gives up his right to contest those
2 charges.

3 10. Respondent agrees that his Civil Engineer License is subject to discipline and he
4 agrees to be bound by the Board's probationary terms as set forth in the Disciplinary Order
5 below.

6 CONTINGENCY

7 11. This stipulation shall be subject to approval by the Board. Respondent understands
8 and agrees that counsel for Complainant and the staff of the Board may communicate directly
9 with the Board regarding this stipulation and settlement without notice to or participation by
10 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
11 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
12 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order,
13 the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this
14 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not
15 be disqualified from further action by having considered this matter.

16 12. The parties understand and agree that facsimile copies of this Stipulated Settlement
17 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and
18 effect as the originals.

19 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,
22 negotiations, and commitments, written or oral. This Stipulated Settlement and Disciplinary
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a
24 writing executed by an authorized representative of each of the parties.

25 14. In consideration of the foregoing admissions and stipulations, the parties agree that
26 the Board may, without further notice or formal proceeding, issue and enter the following
27 Disciplinary Order:

28 ///

JAN-10-2011(MON) 17:07

Rx Date/Time JAN-03-2011(MON) 14:39

01/03/2011 11:51

SEVERSON

P. 005/010

P. 005

PAGE 05/09

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 25997 issued to Respondent Raman Kanubhi Patel ("Respondent") is revoked. However, the revocation is stayed and Respondent is placed on probation for two (2) years on the following terms and conditions.

1. **Obey All Laws.** Respondent shall obey all federal, state, and local laws and regulations related to the practices of professional engineering and land surveying.

2. **Submit Reports.** Respondent shall submit such special reports as the Board may require.

3. **Tolling of Probation.** The period of probation shall be tolled during the time Respondent is practicing exclusively outside the state of California. If, during the period of probation, Respondent practices exclusively outside the state of California, Respondent shall immediately notify the Board in writing.

4. **Violation of Probation.** If Respondent violates the probationary conditions in any respect, the Board, after giving Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of probation, an accusation or petition to vacate stay is filed against Respondent, or if the matter has been submitted to the Office of the Attorney General for the filing of such, the Board shall have continuing jurisdiction until all matters are final, and the period of probation shall be extended until all matters are final.

5. **Completion of Probation.** Upon successful completion of all of the probationary conditions and the expiration of the period of probation, Respondent's Civil Engineer License No. C 25997 shall be unconditionally restored.

6. **Cost Recovery.** Within one and one-half (1 ½) years of the effective date of the decision, Respondent shall reimburse the Board for its investigative and enforcement costs in this matter in the amount of \$2,500.00. Said reimbursement may be paid in installments.

7. **Examination.** Respondent shall successfully complete and pass the California Laws and Board Rules examination as administered by the Board within sixty (60) days following the effective date of the decision or by April 1, 2011, whichever is later.

JAN-10-2011(MON) 17:07

Rx Date/Time

JAN-03-2011(MON) 10:39

01/03/2011 11:51

SEVERSON

P 007/010

P. 006

PAGE 06/09

3. **Civil Engineering Course.** Within one and one-half (1 ½) years of the effective date of the decision, Respondent shall successfully complete and pass one (1) college-level course specifically related to civil engineering.

4 9. **Ethics Course.** Within one and one-half (1 ½) years of the effective date of the
5 decision, Respondent shall successfully complete and pass a course in professional ethics
6 approved in advance by the Board or its designee.

10. **Notification.** Within 30 days of the effective date of the decision, Respondent shall provide the Board with evidence that he has provided all persons or entities with whom he has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or professional land surveying in which the violation occurred with a copy of the decision and order of the Board and shall provide the Board with the name and business address of each person or entity required to be so notified. During the period of probation, Respondent may be required to provide the same notification of each new person or entity with whom he has a contractual or employment relationship such that the relationship is in the area of practice of professional engineering and/or land surveying in which the violation occurred and shall report to the Board the name and address of each person or entity so notified.

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, J. Andrew Lawson. I understand the stipulation and the effect it will have on my Civil Engineer License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board for Professional Engineers and Land Surveyors.

DATED: 1-10-11

RAMAN KANUBHI PATEL
Respondent

JAN-10-2011(MON) 17:08

Rx Date/Time JAN-03-2011(MON) 10:39

P. 008/010

P. 007

PAGE 07/09

SEVERSON

1 I have read and fully discussed with Respondent Raman Kanubhi Patel the terms and conditions
2 and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve
3 its form and content.

4 DATED: 1/10/2011Original Signed

5 J. Andrew Lawson
6 Attorney for Respondent

ENDORSEMENT

7 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
8 submitted for consideration by the Board for Professional Engineers and Land Surveyors of the
9 Department of Consumer Affairs.
10

11 Dated: January 20, 2011

Respectfully Submitted,

12 EDMUND G. BROWN JR.
13 Attorney General of California
14 FRANK H. PACOE
15 Supervising Deputy Attorney General

Original Signed

16 NICHOLAS TSUKAMAKI
17 Deputy Attorney General
18 Attorneys for Complainant

19 SF2010201403

EXHIBIT A

1 EDMUND G. BROWN JR.
Attorney General of California
2 FRANK H. PACOE
Supervising Deputy Attorney General
3 NICHOLAS TSUKAMAKI
Deputy Attorney General
4 State Bar No. 253959
455 Golden Gate Avenue, Suite 11000
5 San Francisco, CA 94102-7004
Telephone: (415) 703-1188
6 Facsimile: (415) 703-5480
E-mail: Nicholas.Tsukamaki@doj.ca.gov
7 *Attorneys for Complainant*

8 **BEFORE THE**
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 941-A

13 **RAMAN KANUBHI PATEL**
14 **3383 Chamberlain Court**
15 **Walnut Creek, CA 94598**
16 **Civil Engineer License No. C 25997**

A C C U S A T I O N

Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. David E. Brown ("Complainant") brings this Accusation solely in his official capacity
20 as the Executive Officer of the Board for Professional Engineers and Land Surveyors ("Board"),
21 Department of Consumer Affairs.

22 2. On or about November 12, 1975, the Board issued Civil Engineer License Number C
23 25997 to Raman Kanubhi Patel ("Respondent"). The Civil Engineer License will expire on
24 March 31, 2012, unless renewed.

25 ///

26 ///

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code ("Code") unless otherwise indicated.

REGULATORY PROVISIONS

4. Section 6775 of the Code states, in pertinent part:

"The board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

...

"(b) Who has been found guilty by the board of any deceit, misrepresentation, or fraud in his or her practice.

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice."

5. California Code of Regulations, title 16, section 404, subdivision (w), states: "For the sole purpose of investigating complaints and making findings thereon under Sections 6775 and 8780 of the Code, 'negligence' as used in Sections 6775 and 8780 of the Code is defined as the failure of a licensee, in the practice of professional engineering or land surveying, to use the care ordinarily exercised in like cases by duly licensed professional engineers and land surveyors in good standing."

6. Section 118, subdivision (b), of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued, or reinstated.

COSTS

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

///

FACTUAL BACKGROUND

8. In or around 2003, Respondent's company, RP Associates, Inc., was hired to perform the structural design for a proposed motel in Healdsburg, California. On or about February 25, 2003, Respondent completed structural calculations for the motel. On or about March 6, 2003, and July 16, 2003, Respondent completed certain structural drawings for the motel. Construction of the motel began in or around 2005. In or around January 2006, a building official for the City of Healdsburg, Scott Ward ("Ward"), performed an inspection at the building site and noticed that the motel contained certain construction deficiencies. In a letter dated March 2, 2006, Ward informed the motel's owner, inter alia, that Respondent

is required to perform a comprehensive structural review and code compliance inspection of all of [the] discrepancies that deviate from the approved set of plans and the structural provisions of the California Building Code. This inspection shall include but not be limited to the foundations, framing and lateral force resisting systems completed to this point [Respondent] is required to provide special inspection services and structural observation for the remainder of the project until [its] completion.

9. On or about May 8, 2006, Respondent wrote a letter to Ward regarding Respondent's structural review and code compliance inspection of the motel. In that letter, Respondent stated that the motel's "roof diaphragm is nailed to roof framing members with 6d nails. The plans call for 8d common nails." Respondent also indicated that he had checked "[t]he roof diaphragm . . . for available diaphragm capacity based on 6d nails. See Calculations Sheet No. M17A and M17B."

10. At the time Respondent sent the May 8, 2006, letter to Ward, neither the roof diaphragm nor the roof framing members had been installed.

11. On or about September 6, 2006, Respondent made a site visit to the motel to inspect the structure's wall framing, shear wall nailing and holdowns, Hardy Frames, and roof and floor diaphragm nailing. Upon inspection, Respondent noticed that the above items needed to be fixed and/or completed. As a result, he provided the contractor with a "punch list" so that the contractor could make the necessary repairs.

12. On or about September 14, 2006, Respondent sent a letter to Ward indicating that he had inspected the motel's wall framing, shear wall nailing and holdowns, Hardy Frames, and roof and floor diaphragm nailing. Respondent also told Ward that "[u]pon completion of the framing shown in the attached sheets, motel construction will be in accordance with the approved plans[.]"

13. On or about September 21, 2006, Ward sent Respondent a letter stating that he had received Respondent's September 14, 2006, letter, and that he had conducted a follow-up inspection of the motel on September 18, 2006. In carrying out that follow-up inspection, Ward indicated that he had discovered seven items that needed to be fixed and/or completed that were not listed in Respondent's September 14, 2006, letter or the attached sheets. Ward then directed Respondent "to conduct another inspection and prepare another report"

FIRST CAUSE FOR DISCIPLINE

(Negligence)

14. Respondent is subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent made several errors in his structural calculations dated February 25, 2003, and in his structural drawings dated March 6, 2003, and July 16, 2003.

15. Respondent is further subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent informed Ward on or about May 8, 2006, that certain parts of the motel structure had been installed and inspected when none of those parts had been installed as of that date. The circumstances of Respondent's negligence are set forth above in Paragraphs 9 and 10.

16. Respondent is further subject to disciplinary action under section 6775, subdivision (c), of the Code, and California Code of Regulations, title 16, section 404, subdivision (w), for negligence in that Respondent, in carrying out his inspection of the motel on September 6, 2006, failed to notice seven deficiencies in the structure that needed to be fixed and/or completed. The circumstances of Respondent's negligence are set forth above in Paragraphs 11, 12, and 13.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Deceit/Misrepresentation)**

3 17. Respondent is subject to disciplinary action under section 6775, subdivision (b), of
4 the Code for deceit and/or misrepresentation in his practice in that Respondent informed Ward on
5 or about May 8, 2006, that certain parts of the motel structure had been installed and inspected
6 when none of those parts had been installed as of that date. The circumstances of Respondent's
7 deceit and/or misrepresentation are set forth above in Paragraphs 9 and 10.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a
11 decision:

12 1. Revoking or suspending Civil Engineer License Number C 25997 issued to Raman
13 Kanubhi Patel;

14 2. Ordering Raman Kanubhi Patel to pay the Board for Professional Engineers and Land
15 Surveyors the reasonable costs of the investigation and enforcement of this case pursuant to
16 Business and Professions Code section 125.3;

17 3. Taking such other and further action as deemed necessary and proper.

18
19
20 DATED: Sept 6 2010

Original Signed

21 DAVID E. BROWN
22 Executive Officer
23 Board for Professional Engineers and Land
24 Surveyors
25 Department of Consumer Affairs
26 State of California
27 Complainant
28

SF2010201403
20318782.doc